

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \* \* \*

UNITED STATES OF AMERICA	)	3:08-CR-00084-LRH-RAM
Plaintiff,	)	
vs.	)	<u>ORDER</u>
MARTIN DELACRUZ,	)	
Defendant.	)	
	)	

Before this court is the parties' Joint Stipulation to Stay Proceedings Regarding Defendant's Motion for a Sentence Reduction Until October 2016. Doc. #72<sup>1</sup>.

The parties are requesting a stay to all proceedings and deadlines on Defendant's motion for a sentence reduction for one year, until October 2016, to allow Defendant an opportunity to improve his custody record. Prison records indicate that since September 2012 Defendant has been sanctioned three times for assault (without serious injury) and was most recently sanctioned in August 2015 for possessing drugs or alcohol. With these serious violations on the record, the government is not willing at this time to stipulate to a reduction in sentencing. However, should the defendant remain free of any drug-related, violent or other 100-level violations for one year, the government will reconsider whether or not that clean record indicates a significant change and may offset the older incidents, alleviating the government's concern about whether a sentence reduction would threaten public safety.

Further, given the fact that any reduction in sentence granted to Defendant would give an estimated release date as calculated by the U.S. Sentencing Commission of April 2018, a delay in

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<sup>1</sup> Refers to court's docket number.


1 evaluating Defendant's case for one year will not prejudice him or delay his release should the  
2 court decide to grant the reduction.

3 The court agrees, and good cause appearing,

4 IT IS HEREBY ORDERED that all proceedings and deadlines on Defendant's motion for  
5 a sentence reduction are STAYED for one year, until October 2016.

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7 IT IS SO ORDERED.

8 DATED this 28th day of October, 2015.

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11 LARRY R. HICKS  
12 UNITED STATES DISTRICT JUDGE  
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